

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOHN DOE, by and through his Next Friend,
JANE ROE,

Plaintiff,

Case No. 05-60099

Honorable John Corbett O'Meara

v.

MELVINDALE PUBLIC SCHOOLS, *et al.*,

Defendants.

ORDER OF PARTIAL DISMISSAL

Plaintiff filed a six-count complaint in this court May 3, 2005. Counts I and II alleged constitutional violations pursuant to 42 U.S.C. § 1983. The remaining counts alleged the following state claims: Count III, assault; Count IV, battery; Count V, ethnic intimidation; and Count VI, gross negligence.

While alleged violations of 42 U.S.C. § 1983 are cognizable in this court pursuant to 28 U.S.C. § 1343, the remaining allegations present claims based solely on state law. Since the parties to this matter are not diverse, the court declines to exercise pendent jurisdiction over the state claims. See United Mine Workers v. Gibbs, 383 U.S. 715 (1966); 28 U.S.C. § 1367(c). Therefore, pursuant to 28 U.S.C. § 1367(c), it is hereby **ORDERED** that Counts III through VI of the complaint are **DISMISSED**.

s/John Corbett O'Meara
John Corbett O'Meara
United States District Judge

Dated: August 23, 2005